

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY BROOKS,

Defendant.

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8:09-cv-00087-LSC-FG3

ORDER FOR

ISSUANCE OF ARREST WARRANT

This is proceeding for post-judgment discovery to aid in executing a judgment entered against the defendant, Jeffrey Brooks. Under NECivR 72.1, the magistrate judge is responsible for presiding over proceedings related to executions of judgments under Fed. R. Civ. P. 69. Pursuant to Rule 69, a judgment creditor (here, the United States) may obtain discovery from the judgment debtor (here, Jeffrey Brooks) as provided in the Federal Rules of Civil Procedure. Under Fed. R. Civ. P. 37(b), failure to obey the court's orders may result in the imposition of sanctions or commencement of civil or criminal contempt proceedings pursuant to 28 U.S.C. § 636(e).

The records of the court show that Brooks was ordered to "answer each of the plaintiff's 'INTERROGATORIES AND PRODUCTION OF DOCUMENTS BY JUDGMENT CREDITOR UNITED STATES OF AMERICA' no later than July 1, 2010" (Doc. 16). The order was served on Brooks (see Doc. 17), who failed to comply. On the government's motion (Doc. 19), this court entered an order on August 18, 2010 (Doc. 20) requiring Brooks to appear before the undersigned on October 7, 2010 and show cause why it should not be the recommendation of the court that Jeffrey Brooks be held in contempt and

punished therefor. (Doc. 20). Brooks was personally served with the August 18, 2010 order by the U.S. Marshal on September 1, 2010 (see Doc. 21).

The show cause hearing was held on October 7, 2010 at 11:30 a.m. Laurie M. Barrett, Assistant United States Attorney for the District of Nebraska, appeared for the United States. Defendant, Jeffrey Brooks, failed to appear as ordered (see Doc. 20). Brooks did not contact the court or counsel for the United States with respect to the October 7, 2010 hearing.

Due to the defendant's unexcused and unexplained failure to appear before the undersigned on October 7, 2010,

IT IS ORDERED that a warrant be issued by the Clerk of Court directing the United States Marshal to apprehend the defendant, Jeffrey Brooks, and bring the defendant before this court to show cause why it should not be the recommendation of the this court that Jeffrey Brooks be held in contempt and punished therefor.

DATED October 13, 2010.

BY THE COURT:

**s/ F.A. Gossett, III
United States Magistrate Judge**